UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,562	11/01/2001	Mark van Soestbergen	SOE-100XC1	3802

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ART UNIT	PAPER NUMBER
3694	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/002,562	SOESTBERGEN ET AL.
	Examiner	Art Unit
	Abdul Basit	3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 November 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/25/2002</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 6-41 are rejected under 35 U.S.C. 102(e) as being anticipated by

Sowinski (US Pat. No. 6,601,033).

Regarding claim 1:

Sowinski teaches a method for:

(a) Receiving information to identify a customer account. *(see column 9, lines 36-51).*

(b) Receiving input to identify type of carbon sink. *(see column 9, lines 36-51).*

(c) Receiving input data used to calculate emission reduction provided by the carbon sink. *(see column 9, lines 36-51).*

(d) Calculating an emission reduction credit (ERC) value representative of the renewable energy and emission reduction provided by the carbon sink. *(see column 9, lines 36-51).*

(e) Crediting a percentage of the ERC value to the customer account. *(see column 9, lines 36-51).*

Regarding claim 2:

Sowinski teaches a method for:

> (i) solar thermal.

> (ii) photovoltaic.

> (iii) micro-hydro.

> (iv) wind turbine, and

> (v) carbon sequestration.

(For all, see column 9, lines 36-51).

Regarding claim 6:

Sowinski further teaches that step (c) of receiving input data used to calculate emission

reduction provided by the carbon sink comprises receiving specific parameters for the

type of sink selected. *(For all, see column 9, lines 36-51).*

Regarding claim 7:

Sowinski teaches the step of constructing a virtual box representing the yearly

emissions reductions of the carbon sink to ensure that ERCs in a given time period

and given place are assigned only once, the box assigned to geographical coordinates

of the sink, wherein the box expresses the amount of GHGs reduced by gram and in

cubic centimeters of the carbon sink. *(see column 2, lines 1-11).*

Regarding claim 8:

Sowinksi teaches the step of assigning identification tags to the ERC values, the tags

comprising one or more of location of sink, owner of sink, certifier of sink, and

digital record of sink. *(For all, see column 9, lines 36-51; column 10, lines 11-15).*

Regarding claim 9:

Sowinski further teaches the step of donating a percentage of the ERC value

credited to the customer account to a separate entity.

Regarding claim 10:

Sowinski further teaches the step of exchanging ERC values in the customer

account for monetary assets. *(see column 10, lines 32-46).*

Regarding claim 11:

Sowinski further teaches the step of exchanging comprises:

(a) storing ERC values tagged with an identification unique to the carbon sink in a pool

pending sale; *(see column 9, lines 55-56)* and

(b) transmitting monetary assets to the customer account upon purchase of ERC value

from pool. *(see column 10, lines 32-46).*

Regarding claim 12:

Sowinski teaches a method that includes:

(a) Receiving information to identify customer account. *(see column 9, lines 36-51).*

(b) Receiving input to identify type of carbon source. *(see column 9, lines 36-51).*

(c) Receiving input data used to calculate energy consumption and emissions output

of the carbon source. *(see column 9, lines 36-51).*

(d) Calculating greenhouse gas (GHG) emissions value produced by the carbon

source; *(see column 9, lines 36-51)* and

(e) Debiting the GHG value from the customer account. *(see column 9, lines 36-51).*

Regarding claim 13:

Sowinski teaches a method of selecting type of carbon source from one of the following:

(i) Vehicles;

(ii) Structures;

(iii) Travel;

(iv) Manufacture of products; and

(v) Providing services.

(For all, see column 9, lines 36-51).

Regarding claim 14:

Sowinski teaches the step (c) of receiving input data used to calculate energy

consumption and emissions output of the carbon source comprises receiving specific

parameters for the type of source selected. (see column 9, lines 36-51).

Regarding claim 15:

Sowinski further teaches the step of assigning a monetary liability to the GHG value.

(see column 10, lines 32-46).

Regarding claim 16:

Sowinksi further teaches:

(i) accepting payment from the customer;

(ii) using the payment to purchase ERC values associated with a carbon sink, said ERC

values representing an asset in an account;

(iii) crediting the ERC values as assets against the monetary liability assigned to the

GHG value, whereby the GHG value in the customer account is reduced accordingly.

(For all, see column 10, lines 32-46).

Regarding claim 17:

Sowinski further teaches the steps of tagging the ERC values purchased with the identification of the carbon sink associated therewith and associating the carbon sink identification with the carbon source of the customer. *(see column 9, lines 36-51; column 10, lines 11-15).*

Regarding claim 18:

Sowinski teaches a method:

(a) Registering for a seller a carbon sink comprising renewable energy and emission reduction systems wherein an emission reduction credit (ERC) value representative of the renewable energy and emission reduction provided by the carbon sink is assigned to the carbon sink. *(see column 9, lines 36-51).*

(b) Assigning a unique identification to the emission reduction credit (ERC) value of the seller. *(see column 9, lines 36-51).*

(c) Making the ERC value for the carbon sink available for purchase. *(see column 10, lines 23-46).*

(d) Receiving a purchase request from a purchaser for the ERC value. *(see column 10, lines 32-46).*

(e) Matching the unique identification to an identification of the purchaser. *(see column 9, lines 55-56).*

(f) Crediting the ERC value to an account of the purchaser as an asset. *(see column 10, lines 32-46).*

Regarding claim 19:

Sowinksi further teaches:

(i) balancing the liabilities of the GHG values in the account with the assets of the ERC

value purchased; and

(ii) associating the unique identification of the ERC value from the carbon sink to a

unique pool.

(For all, see column 16 lines 21-25).

Regarding claim 20:

Sowinksi further teaches that step (c) of making the ERC value for the carbon sink

available for purchase comprises pooling the ERC value in a pool with other ERC

values from a plurality of sellers having ERC values associated with their carbon sinks.

(see column 10 generally).

Regarding claim 21:

Sowinksi further teaches that prior to step (d) of receiving a purchase request from a

purchaser for the ERC value, further comprising the steps of

(i) Searching the pool for an ERC value associated with a specific carbon sink

substantially matching the search criteria; and

(ii) Displaying the results of the search.

(see column 9 generally).

Regarding claim 22:

Sowinski further teaches the step of receiving a fee from the purchaser in the form of a

percentage of the ERC value prior to crediting the ERC value to an account of the

purchaser. *(see column 10, lines 32-46).*

Regarding claim 23:

Sowinski further teaches receiving information regarding boundaries, ownership, land use management, and community impact for biological and geological carbon sinks. (see column 2, lines 1-11).

Regarding 24:

Sowinski further teaches that if a vehicle is selected as type of carbon source, further comprising the steps of:

(i) Receiving input data for at least one of make, model, variants, year, VIN#, time period, annual mileage;

(ii) Calculating GHG value for the vehicle in accordance with input data received.

(For all, see column 9, lines 36-51; column 10, lines 11-15).

Regarding claim 25:

Sowinski further teaches that if a structure is selected as type of carbon source, further comprising the steps of:

(i) Receiving input data for at least one of power consumption, propane consumption, gasoline consumption;

(ii) Calculating GHG value for the structure in accordance with input data received.

(For all, see column 9, lines 36-51; column 10, lines 11-15).

Regarding claim 26:

Sowinski further teaches that if a structure is a company, further comprising the step of addition to the GHG value emissions produced by vehicles owned by the company.

Regarding claim 27:

Sowinski further teaches that if a travel is selected as type of carbon source, further

comprising the steps of:

(i) receiving input data for at least one of arrival and departure points, method of travel,

type of transportation, travel dates;

(ii) calculating GHG value for the travel in accordance with input data received.

(For all, see column 9, lines 36-51; column 10, lines 11-15).

Regarding claim 28:

Sowinski further teaches that if a manufacture of product is selected as type of carbon

source, further comprising the steps of:

(i) receiving input data representative of emissions produced during the manufacture

and distribution of a product;

(ii) calculating GHG value for the manufacture of the product in accordance with input

data received.

(For all, see column 9, lines 36-51; column 10, lines 11-15).

Regarding claim 29:

Sowinksi further teaches the steps of:

(iii) purchasing an amount of ERC value sufficient to offset the GHG value from a seller

who has registered a carbon sink comprising renewable energy and emission

reduction systems, wherein an emission reduction credit (ERC) value is representative

of the renewable energy and emission reduction provided by the carbon sink;

(iv) certifying the product as GHG neutral as a result of the offset.

(see column 11, lines 14-25).

Regarding claim 31:

Sowinski further teaches that if providing services is selected as type of carbon

source,

further comprising the steps of:

(i) receiving input data representative of emissions produced during the provision of

a service;

(ii) calculating GHG value for the provision of the service in accordance with input

data received.

(For all, see column 9, lines 36-51; column 10, lines 11-15).

Regarding claim 32:

Sowinski further teaches the steps of the steps of:

(iii) purchasing an amount of ERC value sufficient to offset the GHG value from a seller

who has registered a carbon sink comprising renewable energy and emission reduction

systems, wherein an emission reduction credit (ERC) value is representative of the

renewable energy and emission reduction provided by the carbon sink;

(iv) certifying the service as GHG neutral as a result of the offset.

(see column 11, lines 14-25).

Regarding claim 33:

Sowinski teaches a computer system that includes an:

(a) Input device for receiving information to identify a customer account; receiving

input to identify type of carbon sink; and receiving input data used to calculate emission

reduction provided by the carbon sink. (see column 9, lines 36-51).

(b) Processor for calculating an emission reduction credit (ERC) value representative

of the renewable energy and emission reduction provided by the carbon sink; *(see*

column 9, lines 36-51), and

(c) Crediting a percentage of the ERC value to the customer account associated with

the carbon sink; and display for displaying customer accounts. *(see column 9, lines 36-*

51).

Regarding claim 34:

Sowinski further teaches a system for registration of a carbon source, wherein a carbon

source represents a liability in an account, wherein said input device further receives

input to identify type of carbon source; and receives input data used to calculate energy

consumption and emissions output of the carbon source; and wherein said processor

calculates a greenhouse gas (GHG) emissions value produced by the carbon source;

and debits the GHG value from a specific customer account associated with the carbon

source. *(see column 9, lines 36-51)*.

Regarding claim 35:

Sowinski teaches a system that will:

(a) Register for a seller a carbon sink comprising renewable energy and emission

reduction systems wherein an emission reduction credit (ERC) value representative of

the renewable energy and emission reduction provided by the carbon sink is assigned

to the carbon sink. *(see column 9, lines 36-51)*.

(b) Assigns a unique identification to the emission reduction credit (ERC) value of the

seller. *(see column 9, lines 36-51)*.

(c) Makes the ERC value for the carbon sink available for purchase. *(see column 10, lines 32-46).*

(d) Receives a purchase request from a purchaser for the ERC value. *(see column 9, lines 55-56).*

(e) Matches the unique identification to an identification of the purchaser; *(see column 9, lines 55-56),* and

(f) Credits the ERC value to an account of the purchaser as an asset. *(see column 10, lines 32-46).*

Regarding claim 36:

Sowinski further teaches a computer readable media containing program instructions for displaying data on a display device of a computer system, the data being obtained from tables in a database associated with the computer system, the computer readable media comprising computer program code for implementing the steps of claim 1.*(see column 1, lines 40-46).*

Regarding claim 37:

Sowinski further teaches a computer readable media containing program instructions for displaying data on a display device of a computer system, the data being obtained from tables in a database associated with the computer system, the computer readable media comprising computer program code for implementing the steps of claim 12. *(see column 1, lines 40-46).*

Regarding claim 38:

Sowinski teaches a computer readable media containing program instructions for displaying data on a display device of a computer system, the data being obtained from tables in a database associated with the computer system, the computer readable media comprising computer program code for implementing the steps of claim 18. *(see column 1, lines 40-46).*

Regarding claim 39:

Sowinski teaches a computerized storage and retrieval system for exchanging emission reduction credit (ERC) values associated with a carbon sink, representing an asset in an account, for GHG values associated with a carbon source, representing a liability in an account, comprising a data storage means for storing data in a relational database wherein the database comprises tables, each table having a domain of at least one attribute in common with at least one other table, the tables comprising of at least one table for storing all ERC values available for purchase. *(see column 15, lines 16-65).*

Regarding claim 40:

Sowinski teaches:

(a) At least one table for storing amount of carbon in a transaction, the source device, the sink, and the entities involved;

(b) At least one table for recording results of auditing for a GHG activity used for statistical information;

(c) At least one table for storing all information about the GreenHouse Gases (GHG) and other emissions the system tracks and the current price for bank owned credits;

(d) At least one table for storing percentage breakdown of ERCs among various

participants; and

(e) At least one table for storing details of application for carbon sequestration/sink

accreditation, auditing and ERC generation.

(For all see column 2, lines 1-11).

Regarding claim 41:

Sowinski teaches:

(a) Recording GHG activity including data indicative of location, address, GPS,

elevation, GHG parameters and time frame of event;

(b) Creating a Volumetric GPS Timestamp (VGT) as a virtual box representing the

emission or reduction volume of a GHG;

(c) Associating the VGT box with a discreetly defined space on planet earth, using the

GPS and elevation coordinates anchoring the bottom center of the VGT box, wherein

the VGT box serves as a marker, aiding discovery of emission and reduction

information introduced that has the same time frame, location, or volume; and

(d) Projecting and transposing 'empty' boxes on top of full boxes to manage the transfer

of GHG reductions to offset emissions.

(For all see column 2, lines 1-11).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Sowinski*

in view of *Flek* (US Pat. No. 5,481,904).

Regarding claim 3:

Flek, not *Sowinski*, teaches the step of receiving data representative of the location of

the carbon sink and indexing the information using a Global Positioning System (GPS).

(see column 5, lines 40-47).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify *Sowinski* with *Flek*. Motivation to modify exists because a GPS system allows

for a better confirmation of various characteristics of the pollutant.

5.   Claims 4-5, 30, and 42-43 are rejected under 35 U.S.C. 103 as being

unpatentable over *Sowinski*.

Regarding claim 4:

The examiner takes Official Notice that an accreditation level can determine a

registration fee and value of ERC that will be credited to the customer account.

It would have been obvious to one of ordinary skill in the art at the time of the invention

to determine registration fee based on accreditation level, because this allow for a better

determination of the ERC value.

Regarding claim 5:

Sowinski teaches that the percentage of ERC value not credited to the customer

account is divided according to accreditation level and credited to a plurality of funds

comprising an insurance fund, a yearly administrative fund, certifier's fund, and a

discount fund. *(see column 11, lines 14-25).*

Regarding claim 30:

Official notice is taken that the product is gasoline. It would have been obvious to one

of ordinary skill in the art at the time of the invention to have a gasoline product,

because gasoline creates a significant amount of pollution.

Regarding claim 42:

Official notice teaches comparing emissions impact using temperature as a factor

comprising:

(a) Charting the volume of one ton CO_2 as it becomes lager over time as a result of

increasing temperature, which expands the volume of any given gas;

(b) Using the mean temperature as the baseline by averaging the land, air and

sea surface temperatures of planet earth for a period of years;

(c) Calculating the increase in temperature from that baseline which expands the CO_2

VGT box, and

(d) Calculating the relative increase in size used to compare the value of current action

versus future action while keeping pressure constant at 760 tort in the equation V O: T.

It would have been obvious to use temperature as a factor to determine emission

impact, because temperature is a key element to determining amount of gas volume.

Regarding claim 43:

Official notice further calculates the proportion clean and dirty air generated as a result

of a GHG activity by

(a) Establishing VGT by combining location, elevation, time-fame, GHG parameters

and time frame of GHG activity;

(b) Using resulting VGT as the base to calculate the VGT of Oxygen and other

molecules consumed or freed up by GHG activity;

(c) Expressing the amount of "clean air" lost or gained from the GHG activity.

It would have been obvious to use temperature as a factor to determine the proportion

of clean and dirty air as a result of GHG activity, since this comparison shows an

efficient method of showing the level of GHG activity.
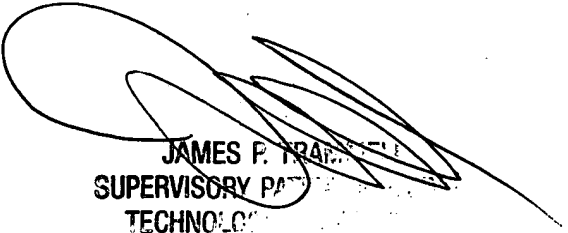
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Abdul Basit whose telephone number is 571 272-7246.

The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 571 272 6712. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

aqb

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